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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) <div style="text-align: center;">0879-0315P</div> | |
| | Application Number <div style="text-align: center;">09/867,607-Conf #7047</div> | Filed <div style="text-align: center;">May 31, 2001</div> | |
| | First Named Inventor <div style="text-align: center;">Masashi INOUE et al</div> | | |
| | Art Unit <div style="text-align: center;">2622</div> | Examiner <div style="text-align: center;">L Ye</div> | |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p><input type="checkbox"/> applicant /inventor</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record Registration number <u>40,439</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34 Registration number if acting under 37 CFR 1.34 _____</p> </div> <div style="width: 50%; text-align: center;"> <p> #58,755 Signature</p> <p> D. Richard Anderson Typed or printed name</p> <p><u>(703) 205-8035</u> Telephone number</p> <p><u>August 10, 2007</u> Date</p> </div> </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. see below*</p> | | | |
| <input type="checkbox"/> *Total of <u>1</u> forms are submitted | | | |

INTRODUCTORY COMMENTS

Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed concurrently with a Notice of Appeal;

This review is being requested for the reasons set forth on the attached five (5) sheets.

ARGUMENTS

Applicants respectfully submit that the Examiner has made the following clear error:

The Examiner is improperly interpreting and applying the prior art in rejecting independent claims 1, 6, and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Akazuka (JP 62252583) in view of Steve's DigiCams: "PowerShot S10 User Review", [Online] 1999, Internet address <http://www.steves-digicams.com/pdf/canon_s10.pdf> (hereinafter "Steve").

1. Akazuka fails to disclose displaying selectable candidates for a number of image compression rates in a two-dimensional arrangement as disclosed in the rejected independent claims.

Independent claim 1 discloses, *inter alia*, "displaying selectable candidates for **a number of imaging pixels** and **image compression rates in compression operation** in a **two-dimensional arrangement** on a **setting screen** for setting an image quality; presenting to a user **combinations of selectable number of imaging pixels and the image compression rates** and at the same time receiving an instruction for moving a cursor on the setting screen, wherein the number of imaging pixels and the image pixels and image compression rates in a two-dimensional arrangement **compression rates** are **each directly selectable**." It is respectfully submitted that Akazuka fails to teach the above-identified claim elements.

Akazuka merely discloses an image file device, which has a recording means, which computes the remaining number of images that can be stored in the remaining storage capacity (see first paragraph, page 2). Moreover, Akazuka discloses a display unit 23 and display Table 1, which presents in a tabular form data recording length based upon the combination of three modes. The first mode allows one to select the structural pixel number of an image wherein the selectable pixel numbers are 640x480 pixels or 320x240 pixels. The second mode allows one to

select an option to perform data compression wherein the compression rate is one-half. Finally, the third mode allows one to perform image recording as black and white, or as a color image. (see page 5, lines 15-28.)

Akazuka is distinguished by the present invention in that Akazuka fails to display a number of "compression rates" (*emphasis added*) on the display unit 23. Claim 1 requires that more than one compression rate be displayed as selectable compression rates in combination with more than one imaging pixels. As demonstrated above, Akazuka provides only one compression rate (one-half) to perform data compression. There is no other compression rate that can be selected to perform data compression. The Examiner contends that Table 1 of Akazuka discloses at least two selectable candidates available for data compression (e.g., one is the compression rate for color image mode and another one is the compression rate for black and white image mode to perform data compression, and therefore, Akazuka teaches the above-identified claim feature. (See page 2, section 1 of the final Office Action.) It is respectfully submitted that the Examiner such contention is totally unfounded. It is irrelevant what kind of data is subjected to data compression. Akazuka clearly discloses in Table 1 that for both monochrome or color data, there is only one selectable compression rate, which is one-half. Thus, it is respectfully submitted that the Examiner made a clear error in contending that Akazuka teaches the above-identified claim feature.

Further, as evidenced by Table 1 described in Akazuka, a user can select three modes as a recording mode in image recording and have two options for each mode element as follows: (i) pixel numbers (640x480 pixels or 320x240 pixels); (ii) compression rate (no-compression or one-half compression); (iii) color (monochrome or color). As a result, it is possible to select one of eight patterns of data recording length in total as in table 1. However, table 1 in Akazuka is a table to explain eight combinations defined by the above-described three modes (i) to (iii), and it is not a screen for user interface to be displayed on the display unit 23 in actual device. Accordingly, it is respectfully submitted that Akazuka cannot teach displaying selectable candidates for a number of imaging pixels and image compression rates in compression operation in a two-dimensional arrangement on a setting screen as required by independent claim 1.

At least for the same reasons as demonstrated above with respect to claim 1, it is further respectfully submitted that Akazuka cannot teach or suggest, at least, "a display control device that displays *selectable candidates in a two-dimensional array* for number of imaging pixels and *image compression rates* on the *setting screen* of said display device, *wherein the selectable candidates present combinations of directly selectable numbers of pixels and compression rates*," as recited in claim 6; and "displaying selectable options for *image compression rates* and image pixel quantities, wherein the *image compression rates* and image pixel quantities are each *directly selectable using the selectable options, arranging the options in a two-dimensional format* according to predetermined combinations," as recited in claim 14.

2. Steve fails to disclose displaying selectable candidates for a number of image compression rates in a two-dimensional arrangement as disclosed in the rejected independent claims.

The Examiner imports Steve to allege that digital camera having *different compression ratios* with respect to an amount of the original compression operation is well known in the art. (See page 2, section 1 of the final Office Action.) Even if, *assuming arguendo*, Steve's digital camera provides for different compression ratios with respect to an amount of the original data in compression operation, Steve has nothing to do with "displaying selectable candidates for a number of *image compression rates* in a *two-dimensional arrangement*" as disclosed in the rejected independent claims.

Steve merely discloses a review of the Canon PowerShot S10 digital camera which provides a user menu allowing the user to select a number of parameters to control the operation of the digital camera. The parameter labels are listed in a column of the left hand side of the screen. (See page 11.) When one of the parameter labels is selected, specific values associated with that parameter appeared to the right of the parameter label, which may be subsequently set by the user. For example, as shown in the Figure on page 11, the user has selected "resolution" using the camera's 4-way "Omni Selector". (See page 4.)

Once "resolution" is selected, choices associated with specific values of the resolution, "L" for 1,600 x 1,200 pixels, "M" for 800 x 600 pixels, or "S" 640 x 480, are shown. Once the specific resolution value is selected, the user may scroll down to the list and select another parameter label to change. For example, as shown in bottom Figure of page 12, the user has

selected the "gain" parameter label, and as a result, the options "0," "+1.0," and "+2.0" are subsequently displayed. Note that for the "resolution" parameter label, only the option previously selected ("L") appears, and the other options are not shown because that parameter was not the one most recently selected.

As shown on page 11, the resolution options are "L", "M" and "S" and are only displayed when the "resolution" parameter label is selected. Below that is the compression parameter label which merely displays "S" for superfine, is displayed. Other options which would appear when the compression parameter is selected is "F" for Fine and "N" for Normal.

Steve therefore fails to disclose, at least: "displaying selectable candidates for a number of imaging pixels and image compression rates in compression operation in a two-dimensional arrangement on a setting screen for setting an image quality," as recited in claim 1; "a display control device that displays selectable candidates in a two-dimensional array for number of imaging pixels and image compression rates on the setting screen of said display device, wherein the selectable candidates present combinations of directly selectable numbers of pixels and compression rates," as recited in claim 6; and "displaying selectable options for image compression rates and image pixel quantities, wherein the image compression rates and image pixel quantities are each directly selectable using the selectable options, arranging the options in a two-dimensional format according to predetermined combinations," as recited in claim 14.

Steve is distinguished by the present invention in that Steve merely displays the selectable specific value choices in a linear fashion after the parameter label has been selected. Steve cannot display the resolution and the compression choices simultaneously which is inherently disclosed by the instant claim since the number of imaging pixels and the *image compression rates are each directly selectable*. In Steve, once one parameter's choice has been selected, and the user moves on to the next parameter to select it, the previous choices are no longer displayed and only the choice that was previously selected remains displayed. Therefore, Steve's disclosure cannot show displaying selectable candidates for a number of imaging pixels and image compression rates in compression operation in a two-dimensional arrangement (claim 1). Furthermore, neither Akazuka nor Steve can display the resolution and the compression choices simultaneously which is inherently disclosed by the instant claims since the number of


imaging pixels and the image compression rates are each directly selectable and arranged in a two-dimensional array (claim 6) or format (claim 14).

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited. Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Ali M. Imam (Reg. No. 58,755) at (703) 205-8000 to schedule a Personal Interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: August 10, 2007

Respectfully submitted,

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